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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,608	04/26/2001	Charles A. Arnold	004/003001	7662

7590 02/14/2003  
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EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 02/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

843608

Applicant(s)

Arnold et al

Examiner

Langel

Group Art Unit

1754

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 24 and 25 is/are allowed.
- ☒ Claim(s) 1-15, 17-23 is/are rejected.
- ☒ Claim(s) 16 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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Claims 3, 9, 10, 12, 15 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 3, 9 and 10, the recitation of "selected from the group that includes . . ." is improper Markush terminology. In claims 15 and 20, the recitation "selected from the group comprised of . . ." is improper Markush terminology. In claim 12, the recitation of "that suitable" renders the scope of the claim vague and indefinite.

Claims 17-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 17, the recitation of "that at least" is indefinite. The word --is-- should be inserted after "that" to avoid this rejection.

Claims 3, 9, 10, 15 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is indefinite as to whether these claims require the presence of an ammoniated salt, since the claims recite "ammoniated salt is selected from the group comprised of ammonium sulfate, ammonium nitrate, urea, and thiourea", but urea and thiourea are not ammoniated salts.

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Accordingly it is not clear as to whether urea and thiourea are embraced by these claims.

Claims 2, 4, 8 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is indefinite as to what would constitute an "ammoniated salt". For example, it is indefinite as to whether an "ammoniated salt" is required to be an ammonium salt.

Claims 20 and 21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for "the ammoniated salt".

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brigance et al. Brigance et

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al. disclose a polyacrylamide liquid emulsion/dispersion in paragraph [0020]. The liquid polyacrylamide dispersion of Brigance et al. would presumably be stable, since it exists. The difference between the dispersion disclosed by Brigance et al., and that recited in applicant's claims 1, 4-7, 12 and 13, is that Brigance et al. does not specifically disclose that the dispersion is an aqueous dispersion. It would be prima facie obvious to employ an aqueous emulsion/dispersion as the liquid emulsion/dispersion of polyacrylamide of Brigance et al., since one of ordinary skill in the art would recognize that water would be a convenient solvent, and would not be incompatible with the resulting fertilizer composition. Regarding claims 5 and 6, it would be within the skill of one of ordinary skill in the art to determine a suitable or optimum particle size for the polyacrylamide particles to be dissolved in the aqueous solvent. Regarding claim 7, it would be prima facie obvious to employ a suspension comprising at least about 2.5% polyacrylamide by weight, since it would be within the skill of one of ordinary skill in the art to determine a suitable or optimum concentration of polyacrylamide to employ in the liquid emulsion/dispersion of Brigance et al.

Claim 16 is objected to as based on a rejected parent claim, and would be allowed if written in independent form.

Claims 24 and 25 are allowed.

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European 0,379,379 is made of record for disclosing an aqueous solution of a copolymer of acrylamide/sodium acrylate on page 7, lines 54 and 55.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne A. Langel whose telephone number is (703) 308-0248. The examiner can normally be reached on Monday through Friday from 8 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

WAL:cdc

February 10, 2003

*Wayne A. Langel*  
WAYNE A. LANGEL  
PRIMARY EXAMINER